

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

STATE OF TEXAS, *et al.*, §  
§  
Plaintiffs, §  
§  
v. § Case No. 1:18-CV-68  
§  
UNITED STATES OF AMERICA, *et al.*, §  
§  
Defendants, §  
§  
and §  
§  
KARLA PEREZ, *et al.*, §  
§  
Defendant-Intervenors, §  
§  
and §  
§  
STATE OF NEW JERSEY, §  
§  
Defendant-Intervenor. §

**DEFENDANT-INTERVENORS' JOINT MOTION FOR EXTENDING THE POST-  
DISCOVERY RESPONSE BRIEF FILING DEADLINE**

## STATEMENT OF THE ISSUES TO BE RULED UPON BY THE COURT

The question presented is:

- (1) Whether this Court should grant a one week extension of the July 27, 2018, deadline, until August 3, 2018, for the parties to file their post-discovery response briefs regarding Plaintiffs' motion for a preliminary injunction filing, in order to allow Defendant-Intervenors to conduct the additional preliminary injunction discovery that the Court authorized on July 25, 2018, and to allow the parties to address that additional discovery in their response briefs on August 3, 2018.

## ARGUMENT

On July 25, 2018, this Court granted Defendant-Intervenors' motions and renewed motion to present the testimony of Stephen Legomsky and depose Michael Knowles. *See* Dkt. 257. As Defendant-Intervenors have explained, this discovery is crucial to its opposition to Plaintiffs' Motion for Preliminary Injunction. *See* Dkts. 137, 138, 165. With only two days remaining before the July 27 deadline for filing a response to Plaintiffs' supplemental motion for preliminary injunction, and in light of the numerous schedules of counsel and the deponent, Defendant-Intervenors were not able to depose Mr. Knowles or offer Mr. Legomsky for deposition in advance of the July 27 filing deadline. Their testimony will be crucial to the resolution of Plaintiffs' motion for a preliminary injunction; for example, their testimony is necessary to respond to statements made by Kenneth Palinkas, on which Plaintiffs have expressly relied in their first brief in support of their motion. See ECF No. 5 at 33-34.

In order to avoid the need for further supplemental briefs addressing the recently granted discovery between the July 27 filings and the August 8 preliminary injunction hearing, New Jersey proposed extending the filing deadline one week to August 3. Defendant-Intervenors and

the Federal Defendants agreed to the proposed one-week extension. Plaintiffs indicated that they oppose the requested extension “based largely on the reasons stated in our response filed on Friday (ECF No. 189).” Because the referenced response stated Plaintiffs’ concerns regarding conducting the depositions at all, which concerns the Court implicitly determined were insufficient to justify denying Defendant-Intervenors’ motion for leave to take the discovery, those same concerns do not now justify denying the parties an opportunity to address that discovery in their response briefs.<sup>1</sup> Further, this motion will not delay the proceedings, as Defendant-Intervenors are not requesting an adjournment of the hearing date.

New Jersey fully joins in this motion and the relief requested.

### **CONCLUSION**

For the foregoing reasons, Defendant-Intervenors Karla Perez, *et al.*, and New Jersey respectfully request that the Court extend the filing deadline for the supplemental preliminary injunction responses to August 3, 2018.

Dated: July 26, 2018

Respectfully Submitted

**MEXICAN AMERICAN LEGAL  
DEFENSE AND EDUCATIONAL FUND**

By: /s/ Nina Perales

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<sup>1</sup> New Jersey’s proposal had also suggested seeking a one-day delay of the Preliminary Injunction hearing, to August 9, to allow the Court an additional day to consider the papers, but that date was not available to the Federal Defendants, so the Defendant-Intervenors and New Jersey instead request herein only an extension of the briefing deadline.

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*Attorneys for Defendant-Intervenor State of New Jersey*

**CERTIFICATE OF CONFERENCE**

I certify that on July 25 and 26, 2018, counsel for the parties conferred regarding the relief requested in Defendant-Intervenors' motion. Counsel for the State of New Jersey as Defendant-Intervenor indicated that it would join the motion, counsel for Federal Defendants indicated that they did not oppose the motion, and counsel for Plaintiffs indicated that they opposed the motion "based largely on the reasons stated in [their] [preliminary injunction] response filed on Friday (ECF No. 189)."

/s/ Nina Perales

Nina Perales

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that, on the 26th day of July, 2018, I electronically filed the above and foregoing document using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/                  *Nina*                  *Perales*

Nina Perales

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**ORDER GRANTING DEFENDANT-INTERVENORS' JOINT MOTION FOR  
EXTENDING THE POST-DISCOVERY RESPONSE BRIEF FILING DEADLINE**

On this date, the Court considered Defendant-Intervenors' Joint Motion for Extending the Post-Discovery Response Brief Filing Deadline. After considering the Motion, the Court believes the Motion should be granted.

IT IS THEREFORE ORDERED that Defendant-Intervenors' Joint Motion for Extending the Post-Discovery Response Brief Filing Deadline is GRANTED. The parties shall file their post-discovery response briefs regarding Plaintiffs' motion for a preliminary injunction by August 3, 2018.

SIGNED on this the \_\_\_\_ day of July, 2018.

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Hon. Andrew S. Hanen,  
U.S. District Court Judge